



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICARDO VELASQUEZ,

Plaintiffs,

-against-

ABSOLUTE HAIRMONY LLC, et al.,

Defendants.

21-CV-2723 (ALC) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

Plaintiff filed his complaint on March 30, 2021 (Dkt. 1), naming as defendants First Avenue Holdings LLC (First Avenue) and Perfect Hairmony Inc. (Perfect Hairmony).

Defendant First Avenue appeared on July 15 and answered on July 19, 2021. (Dkts. 13, 19.) However, defendant Perfect Hairmony never appeared or answered. On April 12, 2022, plaintiff filed an amended complaint (Dkt. 34), dropping Perfect Hairmony as a defendant and replacing it with Absolute Hairmony LLC (Absolute Hairmony). An affidavit of service states that plaintiff served defendant Absolute Hairmony with process on June 3, 2022. (Dkt. 41.) Pursuant to Fed. R. Civ. P. 12(a)(1)(A), its answer was due June 24, 2022. However, Absolute Hairmony has never appeared or answered, and plaintiff has never sought its default.

Meanwhile, discovery in this matter has closed, and the deadline for filing motions for summary judgment has expired. (*See* Dkt. 27.) Plaintiff and First Avenue have a settlement conference scheduled for December 7, 2022, after which – absent a settlement – their joint proposed pretrial order will be due December 21, 2022. (Dkt. 52.)

It is hereby ORDERED that, no later than **December 7, 2022**, plaintiff shall either request a certificate of default against defendant Absolute Hairmony or dismiss its claims against that defendant.

It is further ORDERED that plaintiff shall promptly serve this Order on defendant Absolute Hairmony, and file proof of such service on the docket.

Dated: New York, New York
November 10, 2022

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Barbara Moses".

BARBARA MOSES
United States Magistrate Judge